

July 29, 2005

Antoinette E.M. Leoney  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210

RE: United States vs. Chad Benjamin  
No. 05-10059-DPW

Dear Ms. Leoney:

Please note that this letter is submitted to you in accordance with the local rule letter practice regarding requested discovery on the above case. In accordance with the applicable rules of criminal procedure and Brady vs. Maryland, 373 U.S. 83 (1963), Moore vs. United States, 408 U.S. 786 (1972), Giglio vs. United States, 405 U.S. 150 (1972), United States vs. Agurs, 427 U.S. 97 (1976), Kyles vs. Whitley, 514 U.S. 419 (1995) as well as the pertinent and applicable discovery rules and the local rule, I make the following requests for discovery prior to trial;

- 1.) I would request disclosure of all witnesses who you anticipate testifying in this case. I believe that you have already provided me with police reports that pertain to their observations at the time of the arrest as well as interview of pertinent witnesses who were involved in the liquor store.
- 2.) I would request copies of any books, papers, documents, photographs, tangible objects, buildings or places that you intend to reference or introduce into evidence at the time of the trial. I do not believe that there are any photographs or videotapes and it is my understanding that the videotape in the liquor store was taped over on a reel to reel in any event. If there are any photographs or the like please advise and I will certainly provide payment for copies of the same. I may obtain photographs from my private investigator and if I do I will certainly provide you with copies of them as well.
- 3.) I would request any examinations or tests regarding any of the evidence on the case. I do believe that the only tests or examinations would pertain to the weapon and I believe you have provided me with the certificate on the same. If, in fact, there are any other matters involving examinations or tests I suspect that you will provide me with the same in any event but I do make a formal request for the same.
- 4.) I also would request any information as to expert witness that you may call at trial. In the event that you do intend to call an expert witness at the time of trial please let me know and I would then request information on the witness pursuant to Fed. Rule 702, 703, 705 as well as Rule 16a(1)(e).
- 5.) I do make a specific request or demand for Jencks Act materials. I do note that you have provided me with copies of police reports and witness interviews. I would appreciate the early disclosure of some of the materials and formally note the defendant's demand for Jencks Act materials in accordance with the statute.

- 6.) It is my understanding that the only physical evidence that has been obtained in this case would be the weapon and I will be filing a motion to suppress on that. If there is any other physical evidence you intend to reference or produce at the time of trial please advise.
- 7.) Regarding electronic surveillance I note that there would be no electronic surveillance in this case as set forth in 18 U.S.C. §2510. Needless to say, if there was any electronic surveillance or covert surveillance I would request disclosure of the same. I would also specifically demand a request that the government confirm or deny the use of electronic, mechanical or other device used to intercept, over hear or, in any fashion, monitor any oral communications of the defendant or any other individuals prior to the defendant's arrest during the course of the attempt to execute the arrest warrant by the SCAT Team. In the event there was such authorized or unauthorized intercept or effort to intercept, would you please advise me of the time and place of the activity as well as provide copies of any and all reports, orders of the court or documents pertaining to the same. I would specifically request information as to any promises, rewards and/or inducements extended to any witness in this case. You have provided me, as indicated, with the police reports and I believe you have indicated that there are no promises, rewards or inducements to any witness extended so far. I merely make a formal request for the same.
- 8.) You have provided me with probation records and records of prior convictions of my client for which I thank you. I would formally request whether or not the government intends to offer any evidence of any prior bad acts or misconduct at that term is defined under Rule 404(B) of the Rules of Criminal Procedure or that you would intend to rely upon in the prosecution of this case or in your case-in-chief or in rebuttal thereof.

Finally, I am annexing a copy of my letter that I sent to you as an addendum to this more formal request. I look forward to hearing from you and look forward to working with you on this case.

Thank you for your attention.

Very truly yours,

Kevin J. Reddington

KJR/lam  
encl